

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Christine Bennett, Melissa Horner, Carmela Braun.

Also Present: Abbie Sherwin, Planner.

Absent: Bill Olsen – Alternate (excused).

Voting members: Dennis Lentz, Ed Cieleuszko, Christine Bennett, Melissa Horner and Carmela Braun.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Ms. Braun, to approve the minutes of August 20, 2019, as amended.

VOTE

4-0

Motion approved

NOTE: Ms. Horner was present at 7:11 PM.

ITEM 6 – NOTICE OF DECISION

A. 36 Wisteria Lane (Map 14/Lot 2-1) #PB19-7: Shoreland Permit Application

Mr. Lentz asked Ms. Lemire to talk about findings of fact and making motions.

Ms. Lemire said that you are supposed to verbalize the motion, saying the standard conditions of approval at least once during a meeting where an application is approved; that during the course of the discussion, you say you would like to make ‘that’ a condition of approval and you get to the motion and don’t include ‘that’, then she can’t include it because she can’t add or subtract from whatever you have verbally stated. In this case, she put it in the Findings of Fact because the applicant agreed to it in the meeting, so it’s in there, anyway. For the future, the motion should be verbalized at least once and if you have multiple applications and you have different additional conditions, you could say ‘the standard conditions’ and, then, I also add “...”.

Ms. Bennett asked, just to clarify, if the motion had to be verbally verbalized in the meeting where we approve it.

Ms. Lemire said yes.

Ms. Bennett clarified that we should verbalize the additional conditions. She requested a copy of the Conditions of Approval be given to PB members.

Ms. Lemire said that she would send that out to the PB.

There was discussion of whether reading the standard conditions was a legal requirement and if it was necessary.

Ms. Bennett said that she believes that Kittery had a case pulled apart years ago regarding this. She added that, when she went through the MMA training, they explicitly say that we did need to verbalize the motion.

Mr. Lentz agreed that that had been done for years and he wasn't sure why that changed.

Mr. Cieleuszko asked if Ms. Sherwin could verify that.

Ms. Sherwin agreed. She added that any additional conditions should be verbalized but the standard conditions are in the ordinance.

Mr. Lentz suggested we give it a try and see how it works; that it certainly won't hurt anything.

NOTE: At this time, the mylar for the Sanborn Development was signed and dated.

After discussion, it was determined that the Land Use Department had an internal digital folder for all submitted application documents, such as ACE and MEDEP permits, and that all offices within the Land Use Department have access to that internal folder.

Mr. Cieleuszko moved, second by Ms. Braun, that the Planning Board accept the Planning Board Notice of Decision as amended and complete for PB19-7, date of decision August 20, 2019, for 36 Wisteria Lane.

VOTE

5-0

Motion approved

ITEM 7 – OLD BUSINESS

A. Potential Future Ordinance Amendments for 2020

Ms. Sherwin briefly discussed potential amendments to existing ordinances and development of new ordinances.

Amendments:

Open Space Ordinance potential amendments to clarify standards – workshop scheduled October 1st and Conservation Commission input and attendance requested.

Non-profit Medical Marijuana Dispensary/Caregiver Ordinance – update to make consistent with current State regulations and clarify uses. Attorney Saucier has weighed in on this.

Shoreland Zoning – update for consistency with State regulations and potentially update ≥ 10 -acre wetlands on map.

Definitions – many use definitions lacking; ‘lot coverage’ referenced heavily in ordinances with no standard definition.

New:

Agricultural Tourism Ordinance/Farm Overlay – the PB, if this passes in November, could potentially look at amending it for the following November or, as the PB had intended, an ordinance from the ground up, with public input, in 2020.

Property Maintenance Ordinance – arose from the SB, asking the PB to develop standards to protect health, safety, property values, and to prevent nuisance conditions.

Solar Arrays – establish standards for large-scale solar arrays – interest from land owners and potential developers.

Ms. Bennett discussed that the subdivision ordinance doesn’t have a sunset clause, which she thinks is problematic. She also suggested considering discussion for potential review of language criteria for condemning properties when they discuss the potential development of a Property Maintenance Ordinance.

There was a brief discussion regarding whether condemning a property was within the purview of the PB or if that was within the scope of the SB.

Ms. Bennett also suggested reviewing the Accessory Dwelling Ordinance.

Ms. Horner agreed, saying that she was interested in having a public workshop regarding this and inviting the Aging-in-Place Committee, consider various options to help people financially and health-wise.

After some discussion, the PB prioritized the Open Space Ordinance, Shoreland Ordinance, and the Accessory Dwelling Use Ordinance (contact Chair of Aging-in-Place). Ms. Horner will work on definitions. The PB agreed to use this priority list as a template for future 1st-of-the-month agendas.

ITEM 8 – NEW BUSINESS

There was no new business.

ITEM 9 – CORRESPONDENCE

A letter was received from an attorney regarding the Open Space Ordinance (45-467), which is available through the Planning Department.

Mr. (William) Fordyce, Brixham Road, discussed his concern for potential changes to the Open Space Ordinance and an application regarding this.

The PB discussed their intent to review and possibly tweak this ordinance but that there is no application for an Open Space Development that has been submitted to this point. The workshop would give the PB an understanding of the current ordinance, where people might like to go, and where it might be weak; that it is a process and would not go before voters before 2020.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

Mr. Lentz said that he would not be here for the next meeting and there will be public hearings for Agritourism and two applications.

Ms. Goodwin let the PB know that the primary agenda documents for the meeting are uploaded to the Town website to make it available to the public when she sends it out to the PB.

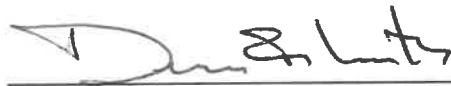
Ms. Sherwin said that there are two new applications, as well as a shoreland application that they just received, and asked if the PB wanted to put that on the meeting, as well.

The PB agreed that they did.

The next regular Planning Board Meeting is scheduled for September 17, 2019 at 7PM.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 7:57 PM.


Dennis Lentz, Chair
Date approved: 10/18/2019

Respectfully submitted,

Ellen Lemire, Recording Secretary